

No. 4919-4Lab-77/14213.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Ajay Udyog Modern Industries, Estate Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK
Reference No. 101 of 1976
between

SHRI RAM RATTAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. AJAY UDYOG
MODERN INDUSTRIAL ESTATE, BAHADURGARH

AWARD

By order No. 1D/43144, dated 23rd November, 1976, the Governor of Haryana referred the following dispute between the management of M/s. Ajay Udyog Modern Industrial Estate, Bahadurgarh and its workman Shri Ram Rattan Singh, workman, to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

“Whether the termination of services of Shri Ram Rattan Singh was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

Whereas the applicant alleged,—*vide* claim statement dated 10th January, 1977 filed by him in conformity with the notice of demand dated 23rd June, 1976 served by him on the management, that he was employed as a piece rate workman with the management for the last about 1½ years as a Latheman and that they terminated his services on 17th May, 1976, arbitrarily and illegally without assigning any reason and declined to take him on duty thereafter, the management denied the allegations that he was their employee as a workman and pleaded that he did some of their work purely on contract basis and they had absolutely no control over him. The case was fixed for filing of the rejoinder of the workman, for 23rd February, 1977 when I happened to be on leave and the management absented themselves on that date with the result that notices of the reference were issued to them again for their appearance in this Court on 28th March, 1977. The management absented themselves even on 28th March, 1977 despite due service of notices of reference on them through registered post with the result that *ex parte* proceedings were taken up against them on that date and the workman was directed to adduce his *ex parte* evidence on 4th May, 1977.

The workman appeared as his own witness on 4th May, 1977 and deposed that he was employed as a regular workman with the management on their spinning lathe and that he received 65 paise per Stainless Steel Glass prepared by him and that his services had been terminated by the management arbitrarily and illegally without assigning any reason.

I see no reason to disbelieve the statement of the workman, particularly when the proceedings against the management are *ex parte* and they have taken no care to defend the demand raised on them by the workman leading to this reference.

I, thus relying on the *ex parte* un rebutted statement of Shri Ram Rattan Singh hold that he was employed as a workman with the management on their spinning lathe and that his services were terminated by the latter illegally without assigning any reasons with effect from 17th May, 1976 and that he is thus entitled to reinstatement with full back wages and continuity of service.

I accordingly answer the reference while returning the award in these terms.

Dated 18th May, 1977.

MOHAN LAL JAIN.
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1002, dated 21st May, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department Chandigarh, as required under section 4 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.
Presiding Officer,
Labour Court Haryana,
Rohtak.

P. P. CAPRIHAN,
Financial Commissioner & Secy.